

22. The process of claim 8 wherein said first solvent is an aqueous solvent.

23. The process of claim 8 wherein the first solvent is water.

24. The process of claim 8 wherein the first solvent is an aqueous solution.

REMARKS CONCERNING THE AMENDMENTS

The above amendments have been made in an effort to more clearly define the present invention and to respond to issues that have been raised in the Office Action mailed 29 September 2000. Antecedent basis for the amendments may be found generally in the specification and. For example, as follows:

The new paragraph added that bridges pages 9 and 10 consists of the original paragraph at that location, plus the language of claim 16, for which literal antecedent basis was in claim 16, but not otherwise physically located in the specification.

The amendments to the claims are those amendments specifically requested by the Examiner and are primarily editorial in nature, and do not require antecedent basis for the grammatical, syntactical, or editorial changes. It is to be noted that the amendment changing "comprises" to "is" or "are" is not intended to be nor effects a substantive limitation. For example, a mixture of an acrylic polymer and another polymer is still an acrylic polymer, whether or not the term "comprising" or "is" introduces the description of acrylic polymer or other term. The use of the present tense verbs "is" or "are" is not intended to effect nor does effect a closing or restriction of the claim.

New claims 22-24 merely puts claims into effect that separate the collective terms for the various solvents (e.g., original claims 2 and 3).

CONFIRMATION OF THE ELECTION

Applicant hereby confirms the election of claims 1-16 and 21 for prosecution on the merits. Applicant reserves the right to file divisional/continuing practice applications on subject

matter in those non-elected claims and on other subject matter disclosed in the original specification as filed.

RESPONSE TO THE REJECTIONS

Objection to the Specification

Applicants have amended the specification as requested in Paragraph 6 of the Office Action and removed this issue from the application.

Rejections Under 35 U.S.C. 112, Second Paragraph

Applicants have amended all claims where amended was requested by the Examiner. Each and every issue raised under 35 U.S.C. 112, second paragraph has been addressed by the specific amendments suggested by the Examiner. All issues have been specifically addressed and removed.

Rejection of Claims 1-16 and 21 Under 35 U.S.C. 103(a) As Unpatentable over Spector

This rejection is believed to be fairly summarized as set forth in the Office Action as follows:

- 1) The only difference between the invention as claimed and the technology disclosed by Spector et al. (U.S. Patent No. 5,883,169) is that:
 - a) Spector protects lens elements with a peelable polymeric film; and
 - b) The invention claims protection of lens elements with a soluble dissolvable polymeric film.
- 2) A “conventional alternative technique for removing temporary films from polymeric ophthalmic lenses is removal by dissolving or dispersing the film with such a solvent, such as water or an aqueous solution.”
- 3) Therefore it would have been obvious to one of ordinary skill in the art to employ such a conventional alternative technique for removal of the temporary protective film in the Spector et al. ‘169 method.

This rejection is respectfully traversed as it fails to meet either the legal or factual substantive minimums necessary to establish a *prima facie* case of obviousness in accordance with 35 U.S.C. 103(a).

The statement made and literally quoted above in paragraph 2)(a) is in error as a matter of fact and as a matter of law. The statement is apparently an attempt, in compliance with the guidelines of M.P.E.P. 2144.03 “Reliance on Common Knowledge in the Art or “Well Known” Prior Art,” to take Official Notice of a limitation not disclosed in references of record in the prosecution history of the application. The Examiner is allowed to take such Official Notice

where the “knowledge is of such notorious character that judicial notice can be taken...” (M.P.E.P. 2144.03). However, Applicant himself is completely unaware of the knowledge for which Official Notice has been taken. In fact, the Official Notice is taken of specific knowledge that Applicant believes constitutes one of the specific elements of his invention, and which element distinguishes the invention from Spector as prior art. **Applicant thereby specifically traverses the Official Notice and requests that the Patent and Trademark Office cite a reference to support the position taken in the Office Action.** Applicant believes that this limitation is not known in the art and that therefore the rejection is critically defective and deficient on the very issue that must be overcome in the rejection. As a clear matter of substantive fact, this rejection is in error and must be withdrawn.

The rejection and the Spector reference also fails to comprehend the benefits of a solvent/dispersant removal of a film versus a stripping process (as taught by Spector). Although stripping protects against some accumulation of foreign matter on a lens surface, the use of a peelable lens provides other problems. Even though Spector suggests the addition of antistatic agents to the strippable film (column 9, lines 38-43) to prevent dust collection, the antistatic agent does not prevent static from building up on the lens surface. As is well known (e.g., from rubbing balloons, for triboelectric charging phenomena, and the like), polymeric surfaces are subject to charging that can attract dust and foreign matter. The application and physical removal of two polymers with respect to each other can create charge buildup, which will in turn attract particulates and contaminants. The process of Spector, even with an antistatic agent in the strippable film, can still develop triboelectric charges on the lens from the lens peeling process. Additionally, the use of adhesive tape to strip the film (e.g., Spector, column 10, lines 1-6) can contaminate the lens with pressure-sensitive adhesive that would attract and retain contaminants and would itself act as a contaminant if any adhesive is transferred to a lens surface.

Additionally, as the film removal is done by a wash solution (e.g., preferred in water or aqueous solution), a separate wash step of the lens surface is not necessary. This removes the need for two distinct steps in the use of the lens. Additionally, the protective step of Spector

protects only a single surface, and handling of the lens during lamination would require that exposed surfaces be cleaned, even if not between laminated surfaces. The present process therefore would reduce the number of steps needed in the lamination process.

Additionally, the use of certain water-soluble or water-dispersible polymers (e.g., poly(vinyl alcohol), amylose or amylopectin films, starch films, etc.) would be disposable directly into water waste streams and would be minimally polluting or non-polluting according to many industrial standards. The solid stripped film of Spector must become solid waste product, requiring additional handling and disposal.

CONCLUSION

The steps of the recited process are not disclosed in Spector and the differences between Spector and the claimed invention are not known to be disclosed in the prior art. Additionally, the benefits of the present invention because of those unrecognized differences are not shown in Spector and provide a benefit to the invention as compared to the practice of Spector. The rejection is in error and must be withdrawn.

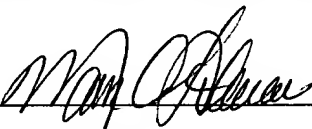
Respectfully Submitted,

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By his representative,

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Date 22 January 2001


By 
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on January 22, 2001.

Mark A. Litman
Name


Signature